

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00478

Tonja Hawthorne et al.,

Plaintiffs,

v.

Judge Vincent Dulweber et al.,

Defendants.

ORDER

Plaintiffs filed this dispute on August 31, 2020. Doc. 1. This case was then referred to United States Magistrate Judge John D. Love (Doc. 4), who issued the relevant report and recommendation. Doc. 8.

Plaintiffs filed an amended complaint on September 2, 2020. Doc. 5. The magistrate judge reviewed both complaints and determined that it did not have subject matter jurisdiction over plaintiffs' claims. Doc. 6. Because the plaintiffs were pro se, the court ordered them to amend their complaint to address its deficiencies. *See id.* The plaintiffs received the order on September 14, 2020 but did not respond or otherwise timely amend their complaint as ordered. *See* Doc. 7.

On October 21, 2020, the magistrate judge issued a report recommending that plaintiffs' complaint be dismissed without prejudice because they failed to state a claim upon which relief can be granted and failed to timely comply with a court order. Doc. 8. A copy of this report and recommendation was mailed to plaintiffs' address and they received it on January 28, 2021. Doc. 10. Neither party has filed objections to the magistrate judge's report and recommendation in the allotted timeframe.

When there have been no timely objections to a magistrate judge's report and recommendation, the record is only reviewed for clear error. *Douglass v. United Servs. Auto. Ass'n*, 79

F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report (Doc. 8), and being satisfied that it contains no clear error, the court **accepts** its findings and recommendation. Plaintiffs' claims are **dismissed without prejudice**.

So ordered by the court on February 22, 2021.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge